

## REMARKS

Claims 1-23 were pending in this application. Claims 3, 11-14 and 19-23 are cancelled without prejudice. Applicants expressly reserve the right to pursue protection of any or all of the subject matter of the cancelled claims in a subsequent application.

Claims 1, 2, 4, 5, 7, 8, 10, and 15-18 have been amended, and new claim 24 has been added. Support for amended claims 1, 2, 4, 5, 7, 8, 10, and 15-18, and new claim 24, can be found throughout the specification, for instance, on page 7, line 12 to page 8, line 17, on page 22, line 24 to page 24, line 23, on page 28, line 20 to page 29, line 28, and on page 62, line 18 to page 64, line 23. No new matter is introduced by the claim amendments.

**After entry of this amendment claims 1, 2, 4-10, 15-18, and 24 are pending in this application.** Consideration of the pending claims is respectfully requested.

### *Restriction Requirement*

The Office action contends that the application contains the following inventions which are related as a nucleic acid combination and subcombination: Group I (claim 1, drawn to the SARS-CoV genomic nucleic acid sequence (SEQ ID NO: 1)), Group III (claims 3-4, drawn to isolated SARS-CoV nucleic acids encoding viral polypeptides), and Group IV (claims 5-10 and 15-18, drawn to SARS-CoV detection methods using nucleic acid primers and probes).

Applicants respectfully disagree with this assertion, and note that the claims of Groups I, III and IV each include a common component, that is, an isolated nucleic acid molecule comprising the nucleotide sequence as set forth in SEQ ID NO: 1 or a fragment thereof. This is emphasized in the amended claims submitted herewith. Thus, a search for this shared component will inevitably uncover references pertinent to the claims of Groups I, III and IV. Accordingly, a search and examination of at least Groups I and III can be made without serious burden on the Office (MPEP §803). Furthermore, Applicants note that the claims of Groups I and III are all classified in class 536, and respectfully submit that the subject matter of the claims

of Groups I and III has not acquired a separate status in the art. Therefore, restriction between these groups is not required (MPEP §808.02).

Additionally, the claims of Group IV have been amended to depend from claim 1. Applicants note that *TC1600 Restriction Training for Examiners* (August 2004, available on the PTO website) states that where the Applicant elects claims directed to a product (e.g., an isolated nucleic acid molecule), and a product claim is subsequently allowed, dependent method claims will be rejoined in accordance with MPEP §821.04. Therefore, Applicants submit that even if the restriction of Group IV from Groups I and III is maintained, the claims of Group IV should be automatically rejoined upon the allowance of any of the claims in the elected group.

### Conclusion

Recombination of Groups I and III, or I, III and IV, and substantive examination of the claims submitted herewith is respectfully requested. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview would facilitate substantive examination of this application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

David Cash, Ph.D.  
Registration No. 52,706

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 228-9446